

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on
SEPTEMBER 11, 2001

)
) 03 MDL 1570 (GBD)(FM)
) ECF Case
)

This document relates to:
All Cases

DECLARATION OF MITCHELL R. BERGER

1. I am a member of the law firm of Patton Boggs LLP, attorneys for Defendant The National Commercial Bank ("NCB"), and am a member of the bar of this Court. I respectfully submit this Declaration in support of NCB's Opposition to Plaintiffs' Motion for Declaratory Relief. This Declaration is based upon personal knowledge of the facts set forth herein and information derived from a review of the exhibits hereto.

2. Attached as Exhibit A is a true and correct copy of a letter dated April 21, 2008 (excluding the exhibit thereto) from the undersigned to Judge Daniels seeking leave to file NCB's renewed motion to dismiss for lack of personal jurisdiction.

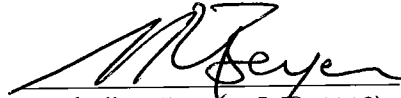
3. Attached as Exhibit B is a true and correct copy of a letter dated April 29, 2008 (excluding exhibits thereto) from the undersigned to Judge Daniels in further support of NCB's application for leave to file NCB's renewed motion to dismiss for lack of personal jurisdiction.

4. Attached as Exhibit C is a true and correct copy of a letter dated August 21, 2008 (excluding exhibits thereto) from the undersigned to Magistrate Judge Maas in opposition to plaintiffs' applications for additional jurisdictional discovery.

5. Attached as Exhibit D is a true and correct copy of a letter dated March 9, 2009 from Assistant United States Attorney Sarah S. Normand to Judge Daniels.

I declare under penalty of perjury that the foregoing is true and correct, based on my knowledge, information, and belief.

Executed in this 9th day of March 2009 in Washington, District of Columbia.

A handwritten signature in black ink, appearing to read "M. Berger", written over a horizontal line.

Mitchell R. Berger (MB-4112)
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